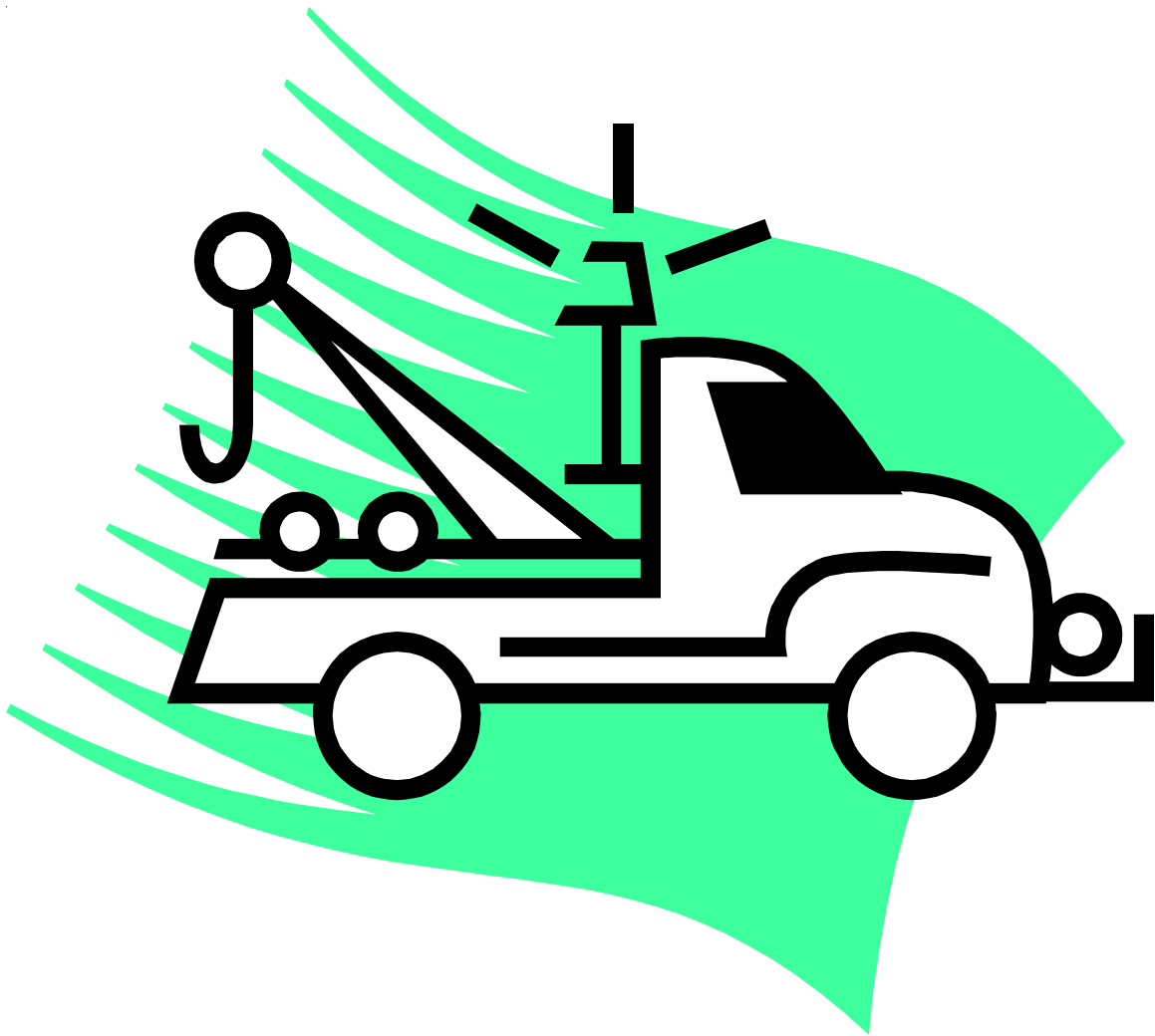


Registered Tow Truck Operator's Manual



The Department of Licensing has a policy of providing equal access to its services. If you need special accommodation, please call (360) 902-3600 or TTY (360) 664-8885.

CONTENTS

Section 1	References
Section 2	Glossary of Terms
Section 3	Reguistered Tow Truck Operator Requirements
Section 4	Impounded Vehicle Processing Requirements
Section 5	Forms
Section 6	Washington Laws and Rules

IMPORTANT

THROUGHOUT THIS MANUAL, “HOTLINKS” TO OTHER LOCATIONS ARE IN **RED**.

TO ACCESS THE DESIRED INFORMATION JUST “CLICK” IN THE **RED** AREA OF THE TEXT.

EXAMPLE: **WAC 308-66-152**

SECTION 1

REFERENCES

Coordinator of Law Enforcement Inspections:

**Washington State Patrol
Vehicle Identification Section
P.O. Box 42635
Olympia, WA 98504-2635
(360) 412-8934**

Washington Tow Truck Association:

**Vicky Scharlau, Administrator
P.O Box 445
Cashmere, WA 96615-0445
(509) 782-7205
(509) 782-1203 (Fax)
Toll free: 1-800-693-9882**

**Stacey Tucker, President
Chico Towing
920 N Wycoff Ave
Bremerton, WA 98312
(360) 479-7500**

Dealer & Manufacturer Services
PO Box 9039
Olympia, WA 98507-9039
(360) 664-6455

The headquarters office is located in Olympia, with regional offices located throughout the state. We recommend that you contact the nearest office for assistance.

FIELD OFFICE ADDRESS/PHONE/COUNTY ASSIGNED

UNION GAP

2727 Rudkin Rd.
Union Gap WA 98903
(509) 575-2777
FAX (509) 454-7283

COUNTIES

Grant (Part)
Kittitas
Klickitat
Yakima

EVERETT

5313 Evergreen Way
Everett WA 98203
(425) 290-3255
FAX (360) 570-4964

COUNTIES

Snohomish

KENNEWICK

3311 W Clearwater
Suite 111
Kennewick WA 99336
(509) 734-7138
FAX (509) 734-7137

COUNTIES/CITIES

Adams
Asotin
Benton
Columbia
Franklin
Garfield
Grant (Part)
Walla Walla
City of Othello
City of Warden

OLYMPIA

SW Region
PO Box 9039
Olympia WA 98507-9039
(360) 664-6475
FAX (360) 586-0479

COUNTIES/CITIES

Clallam
Clark
Cowlitz
Grays Harbor
Jefferson
Kitsap
Lewis
Mason
Pacific
Pierce
Skamania
Thurston
Wahkiakum

SPOKANE

Eastern Region
6517 N Lidgerwood
Spokane WA 99208
(509) 482-3886
FAX (509) 482-3880

COUNTIES/CITIES

Pend Oreille
Spokane
Stevens
Whitman
City of Ritzville

MOUNT VERNON

1920 S 3rd St
Mt. Vernon WA 98273-4916
(360) 416-7021
FAX (360) 428-1339

COUNTIES

Island
San Juan
Skagit
Whatcom

SEATTLE

NW Region
320 N 85th
Seattle WA 98103
(206) 706-4255
FAX (206) 706-4267

COUNTIES

King

COULEE DAM

300 Lincoln, Suite 2
Coulee Dam WA 99116
(509) 633-7031
FAX (509) 633-0842

COUNTIES/CITIES

Chelan
Douglas
Ferry
Grant (North I-90)
Lincoln
Okanogan
City of Ephrata
City of Moses Lake
City of Soap Lake

SECTION 2

GLOSSARY OF TERMS

ABANDONED VEHICLE - Reference RCW **46.55.010**

A vehicle that a registered tow truck operator has impounded and held in the registered tow truck operator's possession for 120 consecutive hours.

ABANDONED VEHICLE REPORT - Reference RCW **46.55.010**

The document that the registered tow truck operator transmits to the Department of Licensing after a vehicle has become abandoned.

ADVERTISING - Reference RCW **46.55.130**

Registered tow truck operators are required to advertise vehicles that have been impounded and are scheduled to be auctioned. They must publish a notice of the auction, including date, place and time, in a general circulation newspaper in the county where the vehicle(s) is located. This advertisement needs to run not less than three days and not more than ten days before the date of the auction. The notice of advertisement includes a description of the vehicle, including the make, model, year and license number, as well as notification that a three hour public viewing period will be available during daylight hours of a normal business day. If the auction site is different from the licensed office location, the registered tow truck operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held.

AFFIDAVIT OF SALE - Reference WAC **308-61-026(1)**

The document given to the successful auction bidder by the registered tow truck operator. The affidavit states that the sale was conducted properly pursuant to chapter **46.55** RCW. The affidavit may be submitted to the Department of Licensing with an application for certificate of title.

BUSINESS LOCATION - Reference WAC **308-61-026(5)**

A location at which records and files necessary to conduct the business are kept, and where the registered tow truck operator can normally be contacted by the public.

IMPOUND - Reference RCW **46.55.010**(3)

To take and hold a vehicle in legal custody. There are two types of impounds — public and private.

- a) “Public Impound” means the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.
- b) “Private Impound” means the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

MASTER LOG - Reference RCW **46.55.010**(5) and WAC **308-61-135**

The document or an electronic facsimile on which a registered tow truck operator records transactions involving impounded vehicles.

NOTICE OF CUSTODY AND SALE - Reference RCW **46.55.110**(3) and WAC **308-61-026**(4)

The document sent by the registered tow truck operator, by certified mail with return receipt requested, to the registered owner, legal owner (lienholder) giving notice of the amount of the registered tow truck operator’s lien for services, place and time of public auction if the vehicle is not redeemed, and of the registered tow truck operator’s right to seek a deficiency lien against the last registered owner.

REGISTERED TOW TRUCK OPERATOR (RTTO) - Reference RCW **46.55.010**(6)

Any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or the disposal of abandoned vehicles.

RESIDENTIAL PROPERTY - Reference RCW **46.55.010**(7)

Property that has no more than four living units located on it.

SECURE AREA - Reference WAC **308-61-026**(2)

A safe place for vehicle storage. It is required that the area be completely enclosed by a fence, with a gate that can be locked, to prevent access by the general public. The height and construction requirement is that the fence be at least six feet high, with at least two strands of barbed wire along the top, for a total combined height of eight feet or more. If a fence would be impracticable due to topography or zoning, the fencing requirement may be waived by the department. The storage area must, however, remain secure.

If a licensee has operator registrations under more than one name, but owns or leases a common secure area, each area for each tow truck operator registration must be segregated. This is done using a physical barrier at least as strong as one strand of chain, cable or barbed wire. If two or more registered tow truck operators with different ownership share a secured area, each respective area is required to be segregated by an eight-foot fence as described above.

Whenever practical, secure storage areas should be located on improved property which is leveled and illuminated at night for the safekeeping of the stored vehicles.

SURPLUS FUNDS - Reference RCW **46.55.130**(2)(h) and WAC **308-61-190**

Surplus funds are monies left over from the auction sale of a vehicle once the registered tow truck operator's lien is satisfied. They are remitted to the Department of Licensing by the registered tow truck operator within 30 days. A report identifying the vehicles resulting in any surplus funds shall accompany the remitted funds. These funds are returned to the **registered** owner of the vehicle if he/she submits a valid claim within one year of the auction date.

TOW TRUCK - Reference RCW **46.55.010**(9)

A motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the Washington State Patrol.

TOW TRUCK NUMBER - Reference RCW **46.55.010**(10)

The number issued by the Department of Licensing to tow trucks used by a registered tow truck operator in the state of Washington.

TOW TRUCK PERMIT - Reference RCW **46.55.010**(11)

The permit issued annually by the department that has the classification of service stamped upon it that the tow truck may provide.

TOW TRUCK SERVICE - Reference RCW **46.55.010**(12)

The transporting of vehicles upon the public streets and highways of this state, together with personal effects and cargo, by a tow truck of a registered tow truck operator.

UNAUTHORIZED VEHICLE - Reference RCW **46.55.010**(13)

A vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

- a) Public locations:
 - i) Constituting an accident or a traffic hazard as defined in RCW **46.55.113** — Immediately
 - ii) On a highway and tagged as described in RCW **46.55.085** — 24 hours
 - iii) In a publicly owned or controlled parking facility, properly posted under RCW **46.55.070** — Immediately
- b) Private locations:
 - i) On residential property — Immediately
 - ii) On private, nonresidential property, properly posted under RCW **46.55.070** — Immediately
 - iii) On private, nonresidential property, not posted — 24 hours

SECTION 3

REGISTERED TOW TRUCK OPERATOR REQUIREMENTS

BOND - Reference RCW **46.55.030(2)**

A registered tow truck operator is required to file a surety bond in the amount of five thousand dollars (\$5,000) with the Department of Licensing.

BUSINESS HOURS - Reference RCW **46.55.060(6)** and **WAC 308-61-125**

The normal business hours of a registered tow truck operator for purposes of towing services, including release of impounded vehicles and/or inspecting business records, place of business or towing equipment, is 8:00 a.m.-5:00 p.m., excluding Saturdays, Sundays and holidays.

If a registered tow truck operator is not open for business and does not have personnel present at the business location, the registered tow truck operator is required to post a phone number at that location for the public to contact the registered tow truck operator for release of their vehicles and/or personal property.

BUSINESS LOCATION - Reference RCW **46.55.060**

The address that the registered tow truck operator lists on the application is the business location of the firm where its files are kept. Each separate business location requires a separate registration. The application will also list all locations of secure areas for vehicle storage and redemption.

Before an additional lot may be used for vehicle storage, it must be inspected and approved by the Washington State Patrol.

Each business location is required to have a sign, readable from the street, displaying the firm's name.

The following items must be posted for view by the public:

- a) All pertinent licenses and permits to operate as a registered tow truck operator;
- b) The current towing and storage charges itemized on the correct Department of Licensing form;
- c) The vehicle redemption procedure and rights;
- d) Information supplied by the Department of Licensing as to where complaints regarding either equipment or service are to be directed;
- e) Information concerning the acceptance of commercially reasonable tender.

CHANGE OF NAME/ADDRESS - Reference WAC **308-61-108**(4) and (5)

You are required to immediately notify the Department of Licensing, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

Any change of partners or of corporate officers should be immediately reported to the department in writing.

FEE SCHEDULE - Reference RCW **46.55.063**(1), (3) and (4)

You are required to file a fee schedule with the Department of Licensing. All filed fees should be adequate to cover the costs of services provided. No fees may exceed those filed with the department. Fees will be calculated on an hourly basis, and after the first hour will be charged to the nearest quarter hour.

Fees that are charged for the storage of a vehicle must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

The RTTO must file a revised fee schedule with the department at least 10 days before the effective date of the change(s).

IDENTIFICATION OF LICENSEE'S VEHICLES - Reference RCW **46.55.040**(3) and WAC **308-61-115**(1)

All tow vehicles used in the registered tow truck operator's business which are operated on public highways are required to display the registered tow truck operator number, plus the truck number, name, city of address and current business telephone number.

Paint or permanently affix this information to both sides of the vehicle. Make each letter and numeral with at least a half-inch stroke for the width and at least three inches high.

The Department of Licensing will issue a tow truck number to each tow vehicle. The number is required to be affixed in a permanent manner on each vehicle.

IMPOUNDED ABANDONED VEHICLE NOT REDEEMED - Reference RCW **46.55.120**(4) and WAC **308-61-135**(5)

Any impounded abandoned vehicle not redeemed within fifteen days after the mailing of the notice of custody and sale shall be sold at public auction in accordance with all the provisions and subject to all of the conditions of RCW **46.55.130**. Impounded vehicles may be redeemed any time prior to the auction.

INSURANCE - Reference RCW **46.55.030(3)**

A registered tow truck operator is required to provide proof of insurance before being issued a registration certificate. The required insurance is as follows:

- a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and
- b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including, but not limited to, fire and theft coverage from the time a vehicle comes into the custody of a registered tow truck operator until it is redeemed or sold.

Cancellation of the registered tow truck operator's insurance or failure to maintain insurance automatically cancels the registered tow truck operator's registration.

NOTICE OF REDEMPTION - Reference RCW **46.55.120(2)(a)**

The registered tow truck operator is required to provide written notice of the right of redemption and opportunity for a hearing, accompanied by a hearing request form, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice to each person seeking to redeem an impounded vehicle.

RECORDS AUDIT - Reference RCW **46.55.160**

Records, equipment and facilities are required to be available during normal business hours for audit or inspection by the Department of Licensing, Washington State Patrol, or a law enforcement agency having jurisdiction.

REGISTRATION - Reference RCW **46.55.020(4)**

You must have a current registered tow truck operator registration certificate from the Department of Licensing in order to engage in or offer to engage in the activities of a registered tow truck operator.

REGISTRATION FEES - Reference RCW **46.55.030**

The fee for each original registration and annual renewal is one hundred dollars (\$100), plus fifty dollars (\$50) per truck.

STORAGE OF VEHICLES (Personal effects) - Reference RCW **46.55.090** and
WAC **308-61-158(1)**

All impounded vehicles need to be handled with care so that their value is not diminished.

TENDER - Reference RCW **46.55.120(1)(e)**

Commercially reasonable tender includes cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification. The registered tow truck operator may require one piece to have a photograph.

A registered tow truck operator may refuse to release an impounded vehicle to a redeemer if their check will not be guaranteed by a check verification service or the registered tow truck operator can determine through the customer's bank that the check would not be honored.

VEHICLE TRANSACTION FILE - Reference RCW **46.55.150**

You are required to keep a transaction file on each vehicle. When the vehicle is redeemed or becomes abandoned and is sold at a public auction, the file should contain, as a minimum, the following required items:

- 1) A signed impoundment authorization;
- 2) A record of the twenty-four hour written impound notice to a law enforcement agency;
- 3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, which includes the address, and telephone number of the impounding firm and name of the person or agency who authorized the impound of the vehicle;
- 4) A copy of the abandoned vehicle report that was transmitted to and returned by the Department of Licensing;
- 5) A copy and proof of mailing of the notice of custody and sale sent by the registered tow truck operator to the registered and legal owners advising them they have fifteen days to redeem the vehicle before it may be sold at public auction;
- 6) A copy of the published notice of public auction;
- 7) A copy of the affidavit of sale showing the sale date, purchaser, amount of the lien, and sale price for a vehicle sold at public auction;

- 8) A record of the two highest bid offers on an auctioned vehicle, with the names, addresses, and telephone numbers of the two bidders;
- 9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;
- 10) An itemized invoice of charges against the vehicle.

You are required to keep the transaction file for a minimum of three years.

SECTION 4

IMPOUNDED VEHICLE PROCESSING REQUIREMENTS

SOURCES OF IMPOUNDS (PUBLIC AND PRIVATE)

Public Property

Traffic Hazard (vehicle or driver impaired)
Unauthorized Vehicle (tagged for 24 hours)
Publicly Owned Parking Facility (immediately, if posted)
Unauthorized Vehicles Impounded

Private Property

Residential Property (immediately)
Non-residential Property (24 hours)
Non-residential Property Posted (immediately)

Abandoned Vehicle Processing Procedure (Days)

Vehicle impounded

Unauthorized period	Call or radio law enforcement immediately (follow-up within 24 hours in writing or fax)
---------------------	---

24 hours notice	Send notice to owners within 24 hours (1st class mail)
-----------------	--

120 hours (5 days)	Transmit Abandoned Vehicle Report to DOL after 96 hours
--------------------	---

DOL has a 72-hour turn-around plus mailing time, except for out of state inquiries

Mail certified (return receipt requested) Notice of Custody and Sale within 24 hours of receiving owner information from Department of Licensing

At least 15-day wait before auction

Place newspaper ad at least 3 days prior, but no more than 10 days prior to auction

Auction (storage fees limited to 15 days from receiving owner information from Abandoned Vehicle Report returned by the Department of Licensing)

Remit surplus funds to state within 30 days

Send disposition copy of Abandoned Vehicle Report to WSP within 15 days

Title no-bid vehicle within 30 days

NOTE: If you have possession of a vehicle by writ, court order, or storage agreement, do not process as an abandoned vehicle until lifted. If you have a "30-60-90 day" DWLS hold,

you may request a security deposit to be paid within 5 days. If no security deposit is received, the RTTO may process that vehicle in the usual manner.

Public Property

An unauthorized vehicle on public property may be impounded if:

- 1) it is a traffic hazard (vehicle or driver impaired)
- 2) it has been unauthorized within a highway right of way and tagged for 24 hours; if the vehicle does not pose a safety hazard, it may remain on the roadside for more than 24 hours if the owner or operator is unable to remove it from the place where it is located and notifies law enforcement and requests assistance.
- 3) it is in a publicly-owned parking facility and the facility has signs posted

Private Property

An unauthorized vehicle on private property may be impounded if:

- 1) it is on residential property (immediately)
- 2) it is on non-residential property that has a sign posted (can be impounded immediately)
- 3) it is on non-residential property and has been there 24 hours or longer

A registered tow truck operator will adhere to the following process when impounding an unauthorized vehicle:

- 1) Obtain written authorization to impound.
- 2) Once vehicle is impounded, immediately notify law enforcement (or a private firm) in order to obtain the legal and registered owner's names. Send written or electronic facsimile notice of impound to law enforcement within 24 hours.
- 3) Send notice of impoundment to registered and legal owners (by 1st class mail) within 24 hours.
- 4) If the registered or legal owner has not redeemed the vehicle within 120 hours after impound, immediately transmit an Abandoned Vehicle Report (AVR) to the Department of Licensing (DOL).
- 5) DOL has 72 hours plus mailing time to return registered owner information to the RTTO. (This time limit will not apply if DOL has to wait for a teletype, etc. from another state.)

- 6) Within 24 hours of receiving registered and legal owner information from DOL, the RTTO sends by certified mail to the registered and legal owners a Notice of Custody and Sale of the vehicle.
- 7) The RTTO must place a newspaper advertisement (in a newspaper of general circulation within the county where the vehicle is located) at least 3 days prior to the auction, but no more than 10 days prior.
- 8) Fifteen days after mailing the notice of custody and sale, the RTTO can auction the vehicle.
- 9) Auction is held - storage fees are limited to 15 days from receiving the AVR registered owner information from the DOL.
- 10) Within 30 days after auction, send any surplus funds derived from the sale of the vehicle to the DOL.
- 11) Title no-bid vehicle within 45 days after auction, if not disposed of to a vehicle wrecker, hulk hauler or scrap processor.

SECTION 5

FORMS

Here are the links to the Washington State Department of Licensing Registered Tow Truck Operator forms. To access them, just “click” on the desired form, in **RED** below.

The following Department of Licensing forms may be reproduced either by photocopier or by a print shop. When reproducing the forms, please photocopy them exactly as they were printed. It is misleading to the public to alter the Department forms.

Form Title	Form Number
Abandoned Vehicle Bid	DLR-430-078
Registered Tow Truck Operator Bond	DLR-430-233
Registered Tow Truck Operator Fee Sheet	DLR-430-234
Application for Change of Name or Address	DLR-430-306
Unauthorized Vehicle Impoundment Report	DLR-430-503
Report of Surplus Funds	DLR-430-504
Notice of Right of Redemption	DLR-430-506
Authorization to Impound or Tow	DLR-430-507
Impounded Vehicle Hearing Request	DLR-430-508
Notice of Custody and Sale of Abandoned Vehicle	DLR-430-509
Notice of Impound of an Unauthorized Vehicle	DLR-430-510
Auction Procedure	DLR-430-511
Registered Tow Truck Operator - Master Log	DLR-430-531
Washington State Patrol Abandoned Vehicle Report (AVR) form	3000-170-184

SECTION 6

WASHINGTON LAWS AND RULES

Here are the links to the Washington State Registered Tow Truck Operator Laws and Rules.
To access them, just “click” on the desired Law (RCW) or Rule (WAC), in **RED** below.

[RCW 46.55](#)

[WAC 204-91A](#)

[RCW 46.55.010](#)

[WAC 308-61](#)

[RCW 46.55.020](#)

[WAC 308-61-026](#)

[RCW 46.55.030](#)

[WAC 308-61-108](#)

[RCW 46.55.040](#)

[WAC 308-61-115](#)

[RCW 46.55.060](#)

[WAC 308-61-125](#)

[RCW 46.55.063](#)

[WAC 308-61-135](#)

[RCW 46.55.070](#)

[WAC 308-61-158](#)

[RCW 46.55.085](#)

[WAC 308-61-190](#)

[RCW 46.55.090](#)

[RCW 46.55.110](#)

[RCW 46.55.113](#)

[RCW 46.55.120](#)

[RCW 46.55.130](#)

[RCW 46.55.150](#)

[RCW 46.55.160](#)